

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

Case No. 23-40709-CJP

Chapter 7

In re:

WESTBOROUGH SPE LLC

TOWN OF WESTBOROUGH'S
OPPOSITION TO LOLONYON
AKOUETE'S MOTION TO
ALLOW CLAIM

The Town of Westborough ("Town"), listed in the Debtor's Matrix List of Creditors (Doc. No. 7) in the above-captioned action, hereby opposes the Motion to Allow Claim (Doc. No. 214) filed by Lolonyon Akouete.

Mr. Akouete's motion ignores a key procedural hurdle to the allowance of any claim in this proceeding. The Town has moved to dismiss this bankruptcy in its entirety pursuant to 11 U.S.C. § 707(a). See Doc. No. 69. Among the reasons for the Town's motion are that Mr. Akouete (among others) have engaged in egregious actions to falsely revive Westborough SPE LLC (the purported debtor) in an effort to extract money from that entity where there is no right to do so and took action to bring about this bankruptcy as a way of frustrating the Town's efforts to complete the judicial process for clearing the tax title on the property located at 231 Turnpike Road, Westborough, Massachusetts (the "Property"). Until such time as the issues raised by the Town's motion are resolved, allowance of any claim in this proceeding—whether by Mr. Akouete or anyone else—is improper. To the benefit of all, however, the Town and the Chapter 7 Trustee have reached agreement on a resolution of the Town's motion to dismiss (among other issues) and the proposed settlement that has been reached will be before the Court on August 20, 2024, for approval. Assuming that settlement is approved and the Town's motion to dismiss withdrawn as

a result, all claims remaining in this bankruptcy thereafter (including Mr. Akouete's) can be addressed by the Trustee and adjudicated by the Court.

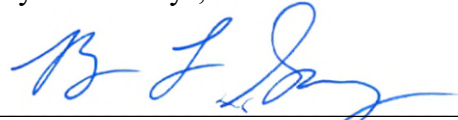
Until such time, however, allowance of Mr. Akouete's claim is premature. Indeed, the Court has already concluded as much in the context of Mr. Akouete's two motions for interim distribution. See Doc. Nos. 114 & 204. Mr. Akouete has not established any reason for the Court to now take a different approach.

For the foregoing reasons, the Court should deny Mr. Akouete's motions.

Respectfully submitted,

TOWN OF WESTBOROUGH,

By its attorneys,



Brian W. Riley (BBO# 555385)
Jeffrey T. Blake (BBO# 655773)
Roger L. Smerage (BBO# 675388)
KP Law, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007
briley@k-plaw.com
jblake@k-plaw.com
rsmerage@k-plaw.com

Dated: August 8, 2024

934089/WBOR/0049

CERTIFICATE OF SERVICE

I, Roger L. Smerage, hereby certify that on the below date, I caused a copy of the foregoing Opposition to be served through the Court's CM/ECF system to the following counsel of record or by U.S. mail to the following unregistered parties:

Stephen F. Gordon
The Gordon Law Firm LLP
River Place
57 River Street
Wellesley, MA 02481
sgordon@gordonfirm.com
*Attorney for Petitioning
Creditors*

Jonathan R. Goldsmith
Goldsmith, Katz & Argenio P.C.
1350 Main Street, 15th Floor
Springfield, MA 01103
trusteedocs1@gkalawfirm.com
Attorney for Chapter 7 Trustee

Richard King
Office of US. Trustee
446 Main Street
14th Floor
Worcester, MA 01608
Attorney for the U.S. Trustee

Westborough SPE, LLC
c/o Lolonyon Akouete
1241 Deer Park Ave., Suite 1,
#1051
North Babylon, NY 11703
Debtor (by U.S. mail)

Lenard Benson Zide
Butters Brazilian LLP
420 Boylston Street, 4th Floor
Boston, MA 02116
zide@butterbrasillian.com
*Attorney for Creditor The
MobileStreet Trust (by email)*

Paul W. Carey
Mirick, O'Connell, DeMallie &
Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
pcarey@mirickoconnell.com
*Attorney for Creditor Ferris
Development Group, LLC*

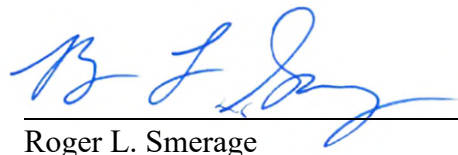
Darin Clagg
24 Kobbs Korner Rd.
Pine Bush, NY 12566
Creditor (by U.S. Mail)

Jonathan La Liberte
Sherin and Lodgen LLP
101 Federal Street, 30th Floor
Boston, MA 02110
jclaliberte@sherin.com
*Attorney for Creditor Sherin and
Lodgen LLP (by email)*

Lolonyon Akouete
800 Red Milles Rd.
Wallkill, NY 12589
info@smartinvestorsllc.com
Creditor (by email)

Denise Edwards
137 North 25th Street
Wyandanch, NY 11798
deniseedwards818@yahoo.com
Creditor (by email)

Dated: Augut 8, 2024


Roger L. Smerage